

A. G. Contract No KR02-0405TRN  
ADOT ECS File: JPA 02-25  
Project No.: STP-070 A(001)A  
TRACS: H 5028 01C  
Project: US 70, Pima - Thatcher  
Section: Shiflet Avenue

**INTERGOVERNMENTAL AGREEMENT**  
BETWEEN  
THE STATE OF ARIZONA  
AND  
GRAHAM COUNTY, ARIZONA

THIS AGREEMENT is entered into 9 May, 2002, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, Department Of Transportation, acting by and through its INTERMODAL TRANSPORTATION DIVISION (the "State") and GRAHAM COUNTY, ARIZONA acting by and through its BOARD OF SUPERVISORS (the "County").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 and 28-334 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County

3. Incident to the State's widening construction project of US 70, it is necessary to terminate access to Coombs Street (East of US 70) and Shiflet Avenue (South of US 70), within the County. Due to the terminations of the above roadway, the State agrees to provide the County a lump sum of \$80,000.00 for the County's future construction of the internal circulation roadway now required for the benefit and safety of the surrounding community (Central).

NO. 25255

Filed with the Secretary of State

Date Filed: 05/09/02

Betty Bayless  
Secretary of State

By Dwight J. Graenewald

**II. SCOPE OF WORK**

## 1. The County will:

a. Upon execution of this agreement by the Secretary of State and upon approval by Resolution of the State Transportation Board, invoice the State a lump sum amount of \$80,000.00, for the County to construct an internal circulation roadway, now required due to the State's termination of access, herein referred to as the "Project".

b. Prepare design plans, specifications, right-of-way plans and such other documents and services required for construction of the Project. Acquire any additional required right-of-way and provide all necessary permits, clearances or approvals.

c. Cause the Project to be constructed using the County's standards and provisions, to be completed no later than August of 2003. Be responsible for all costs over and above the State's participation referenced in II.2. Be responsible for any delays or whatever reason attributable to the County.

d. Upon completion of the Project, provide the State's Safford District Engineer a letter of completion.

## 2. The State will:

Upon execution of this agreement with the Secretary of State and upon approval by Resolution of the State Transportation Board, remit to the County, a lump sum of \$80,000.00 for the total cost of the Project, within 30 days after receipt and approval of an invoice.

**III. MISCELLANEOUS PROVISIONS**

1. This agreement shall remain in force and effect until completion of the Project, payment referenced herein and receipt of a completion letter; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to remittance by the State, with thirty (30) days written notice to the other party. Should the County cancel the agreement or not completed construction of the Project by August of 2003, all funds will be reimbursed to the State.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17th Avenue, Mail Drop 616E  
Phoenix, AZ 85007

Arizona Department of Transportation  
District Engineer (Safford)  
2082 US Highway 70  
Safford, AZ 85546

Graham County  
County Manager  
921 Thatcher Blvd.  
Safford, AZ 85546

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**GRAHAM COUNTY, ARIZONA**

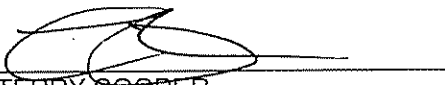
**STATE OF ARIZONA**

Department of Transportation

By   
MARK C. HERRINGTON, Chairman  
Board of Supervisors

By   
WILLIAM J. HIGGINS, PE  
Deputy State Engineer

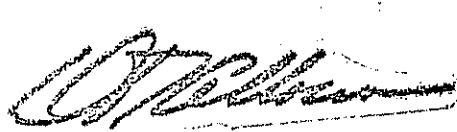
ATTEST:

By   
TERRY COOPER  
Clerk of the Board

RESOLUTION

BE IT RESOLVED on this 19<sup>th</sup> day of February 2002, that I, the undersigned VICTOR M. MENDEZ, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Intermodal Transportation Division, to enter into an agreement with GRAHAM COUNTY, ARIZONA for the purpose of defining responsibilities for the County's future construction of the internal circulation roadway now required for the benefit and safety of the surrounding community (Central), incident to the State's US 70 widening project.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', is written over a horizontal line.

DAVID R. ALLOCCO, PE Assistant State Engineer  
Engineering Technical Group  
for VICTOR M. MENDEZ, Director

GRAHAM COUNTY BOARD OF SUPERVISORS)

(SS.SAFFORD,AZ APRIL 01, 2002

STATE OF ARIZONA, COUNTY OF GRAHAM)

The Graham County Board of Supervisors met in a regular session this date with the following present:

Mark C. Herrington	Chairman
James A. Palmer	Member
Drew John	Member
Terry Cooper	Clerk

Chairman Herrington called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance. Upon motion of Supervisor John, seconded by Supervisor Palmer, the minutes of the regular meeting and work session held March 18, 2002 and the special session and work session held March 25, 2002 were unanimously approved.

Graham County Superior Court Judge Douglas Holt, on behalf of Graham County Chief Probation Officer Susan Moffett, requested ratification of a Fill the Gap Plan and Funding application. Upon motion of Supervisor Palmer, seconded by Supervisor John, the application was unanimously ratified.

Superior Court Judge Douglas Holt, on behalf of Graham County Chief Probation Officer Susan Moffett, requested acceptance of an IGA with the Department of Juvenile Corrections. Upon motion of Supervisor Palmer, seconded by Supervisor John, the IGA was unanimously accepted.

Superior Court Judge Holt, on behalf of Graham County Justice of the Peace #1 Linda Norton, requested appointment of Sam Goodman as Judge Pro Tem. Upon motion of Supervisor John, seconded by Supervisor Palmer, Sam Goodman was unanimously appointed as Judge Pro Tem.

Graham County Sheriff Frank Hughes requested approval of Emergency Medical Dispatch Training. Upon motion of Supervisor John, seconded by Supervisor Palmer, the request was unanimously approved.

Sheriff Frank Hughes requested ratification of the ACJC Assistance Formula Grant Application. Upon motion of Supervisor Palmer, seconded by Supervisor John, the grant application was unanimously ratified.

Sheriff Hughes requested approval to purchase three (3) computers. Upon motion of Supervisor John, seconded by Supervisor Palmer, the request was unanimously approved. Funds to come from Jail Enhancement.

Sheriff Hughes requested approval to purchase three (3) handguns. Upon motion of Supervisor Palmer, seconded by Supervisor John the request was unanimously approved. Funds to come from Jail Enhancement

Graham County Health Director Neil Karnes requested approval of a Prenatal Block Grant contract amendment. Upon motion of Supervisor John, seconded by Supervisor Palmer, the contract amendment was unanimously approved.

Health Director Karnes requested approval of a CY 2002 Family Planning contract amendment. Upon motion of Supervisor Palmer, seconded by Supervisor John, the contract amendment was unanimously approved.

Health Director Karnes requested approval of a Well Woman Healthcheck contract amendment. Upon motion of Supervisor John, seconded by Supervisor Palmer, the contract amendment was unanimously approved.

Health Director Karnes requested approval of subcontracts for Well Woman Healthcheck Services. Upon motion of Supervisor John, seconded by Supervisor Palmer, the request was unanimously approved.

Health Director Karnes requested approval of the CY 2002 Folic Acid Program contract. Upon motion of Supervisor Palmer, seconded by Supervisor John, the contract was unanimously approved.

Graham County Manager Terry Cooper, on behalf of Graham County Safety Officer Rob Chesley, requested approval of signage for Patterson Mesa Road. Upon motion of Supervisor John, seconded by Supervisor Palmer, the request was unanimously approved.

County Manager Cooper informed the Board that Mr. Bill Plumbridge withdrew his request to speak on Vista Grande Subdivision/Freeman Dam Overflow due to illness.

Upon motion of Supervisor Palmer, seconded by Supervisor John, the Board unanimously accepted right-of-way on Powerline Road from Robert Castro.

Upon motion of Supervisor Palmer, seconded by Supervisor John, the Board unanimously accepted an IGA with the State of Arizona, Department of Transportation. ADOT is to be responsible for road closure.

Upon motion of Supervisor John, seconded by Supervisor Palmer, the Board unanimously approved the following Fair Housing Proclamation:

# FAIR HOUSING PROCLAMATION

**WHEREAS**, The National Fair Housing Law of 1986, as amended by the Fair Housing Amendments Act of 1988 prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

**WHEREAS**, The principle of Fair Housing is not only national law and national policy but a fundamental human concept and entitlement for all Americans; and

**WHEREAS**, April has traditionally been designated as Fair Housing Month in the United States;

**NOW THEREFORE**, We, the Graham County Board of Supervisors, do hereby proclaim April as Fair Housing Month in Graham County and do hereby urge all citizens of this community to comply with the letter and spirit of the Fair Housing Law.

Signed this 1st day of April, 2002.

Graham County Board of Supervisors

/s/ Mark C. Herrington, Chairman.  
Graham County Board of Supervisors

/s/ James A. Palmer, Member.  
Graham County Board of Supervisors

/s/ Drew John, Member.  
Graham County Board of Supervisors

ATTEST:

/s/ Terry Cooper, Board Clerk.  
Graham County Board of Supervisors

Upon motion of Supervisor Palmer, seconded by Supervisor John, the Board unanimously approved the following Resolution #2002-11 proclaiming National County Government Week:

## RESOLUTION NO. 2002-11

### **A RESOLUTION OF THE GRAHAM COUNTY BOARD OF SUPERVISORS PROCLAIMING NATIONAL COUNTY GOVERNMENT WEEK APRIL 7- 13, 2002**

**WHEREAS**, the Graham County Board of Supervisors believes counties secure America. The terror attacks on September 11 spotlighted the work county officials do 24 hours a day, 7 days a week, 365 days a year; and

**WHEREAS**, counties are the first to respond to emergency situations and are primarily responsible for planning for disasters; and

**WHEREAS**, county officials keep citizens protected and communities thriving. Due to the planning, cooperation and dedication of counties across America, emergency response professionals from all across the nation are able to mobilize and respond quickly and effectively; and

**WHEREAS**, counties continue to deal with the after affects of September 11 and the ensuing public health threats; and

**WHEREAS**, there are 15 counties in Arizona and 3,066 counties in the United States, collectively responsible for the well being of more than 230 million residents; and

**WHEREAS**, counties have a long history of serving and providing for the American people. In this new and trying time, counties will continue to safeguard our way of life, remaining vigilant protectors of our citizens; and

**WHEREAS**, county governments are the citizen's local government voice, providing solutions that bring communities together;

**NOW THEREFORE**, in recognition of the leadership, innovation and valuable service provided by our nation's counties, the Graham County Board of Supervisors in cooperation with counties nationwide hereby proclaims April 7-13, 2002 as National County Government Week.

Dated this 1<sup>st</sup> day of April 2002.

GRAHAM COUNTY BOARD OF SUPERVISORS

/s/ Mark C. Herrington, Chairman .

ATTEST:

/s/ James A. Palmer, Member .

/s/ Terry Cooper, Board Clerk

/s/ Drew John, Member .

Upon motion of Supervisor John, seconded by Supervisor Palmer, the Board unanimously accepted the following Republican candidate for Precinct Committee Member:

**Precinct #14**  
Eric L. Richardson



Under current events report, Chairman Herrington reported on the following meetings: 3/20 Small Counties Forum, 3/21 ECO, LPC, CSA, 3/25 Department Head meeting, 3/27 Water Lawsuit in Tucson Federal Court.

Supervisor Palmer reported on the following meetings: 3/19 El Paso Landfill tour, 3/20 Small Counties Forum, 3/21 CSA/LPC meeting, 3/22 Lunch with Ted Lucas/Eastern AZ Regional Juvenile Detention Facility Administrator, 3/25 Qtrly Department Head meeting, 3/27 & 29 Water Lawsuit in Tucson Federal Court.

Demands and hand written warrants were upon motion of Supervisor Palmer, seconded by Supervisor John, and unanimously approved. Pursuant to the provisions of A.R.S. § 11-217, as amended 1996, those demands/warrants for any supplier, which totals more than \$1,000 are as follows.

<b><u>SUPPLIER/PURPOSE</u></b>	<b><u>AMOUNT OF WARRANT</u></b>
AMERI PRIDE	\$1,356.16
ARIZONA ASSOCIATION OF COUNTIES	\$1,547.00
ARIZONA STATE HOSPITAL	\$34,180.00
ARIZONA STATE PRISON-SAFFORD	\$1,136.00
AZLGEBT	\$103,756.53
BILL MCGLOCKLIN FORD	\$24,461.64
CDW GOVERNMENT, INC.	\$5,488.17
CITY OF SAFFORD	\$3,927.00
CORONET AWNING & FENCING	\$12,773.63
COUNTY SUPERVISORS ASSOCIATION	\$3,268.75
DENNIS MCCARTHY	\$9,523.81
GARY GRIFFITH	\$3,000.00
GILA VALLEY BOYS & GIRLS CLUB	\$1,250.00
GRAHAM CO CHAMBER OF COMMERCE	\$2,500.00
GRAHAM COUNTY ELECTRIC COOP	\$4,062.19
GRAHAM COUNTY HIGHWAY	\$15,828.48
JOSI Y. LOPEZ	\$5,354.17
KOLIN KRAMME	\$1,975.00
KUSTOM SIGNALS, INC.	\$1,580.25
NORVAL JESPERSON	\$1,150.00
PHOENIX FUEL	\$1,799.61
PLATINUM FUNDING CORP.	\$11,493.44
QUILL	\$1,095.39
SAFFORD AIRPORT AUTHORITY	\$1,250.00
SAFFORD ANIMAL HOSPITAL	\$2,436.90
SE AZ HUMAN RESOURCES COUNCIL	\$1,250.00
STATE OF ARIZONA RISK MANAGEMENT	\$1,995.77
UNITED RENTALS	\$3,579.15
VALLEY TELECOMMUNICATIONS CO.	\$2,039.35

WALMART COMMUNITY BRC	\$2,293.95
WENDELL HUGHES	\$8,064.17
WILLOUGHBY, EVANS AND JENSEN	\$1,000.00

Ms. Barbara Judd & Ms. Dorothy Luttrall of the AZ Association for the Education of Young Children, the Southeastern AZ Association for the Education of Young Children briefed the Board on the progress of the association and requested the Board approve a Month of the Young Child Proclamation. They were accompanied by Sage Ward, Jaggo Nozie, Shaniah Dona, Laiken Molina, and Terron Hunter, all from the Ft. Thomas Program. Upon motion of Supervisor Palmer, seconded by Supervisor John, the Board unanimously approved the following proclamation:

## **PROCLAMATION**

### **MONTH OF THE YOUNG CHILD**

**WHEREAS**, Arizona's children are our most valuable and precious natural resource; and

**WHEREAS**, the Arizona Association for the Education of Young Children, the Southeastern Arizona Association for the Education of Young Children, and the local affiliates throughout the state in conjunction with the National Association for the Education of Young Children, are celebrating the month of the Young Child during April, 2002; and

**WHEREAS**, these groups exist to improve the quality and availability of early care and education services for all young children and their families within the county of Graham; and

**WHEREAS**, the quality of early childhood services are primarily determined by individual care givers and teachers who perform this valuable work; and

**WHEREAS**, these early childhood professionals deserve greater gratitude, visibility, appreciation, and compensation, and

**WHEREAS**, the quality of the early care and education young children receive is the cornerstone of their school success and adult competence;

**NOW, THEREFORE**, we, the Graham County Board of Supervisors, do hereby proclaim April 2002 as the

### **“MONTH OF THE YOUNG CHILD”**

in Graham County and urge all citizens to recognize the valuable contributions of early childhood professionals as well as the need for more high quality early childhood care within our state.

DATED this 1st day of April, 2002

GRAHAM COUNTY BOARD OF SUPERVISORS

/s/ Mark C. Herrington, Chairman

ATTEST:

/s/ James A. Palmer, Member

/s/ Terry Cooper, Clerk

/s/ Drew John, Member

Chairman Herrington announced that it was the date and time to open the following bids:

Bid #A-02/03-34 Annual Asphalt

Received:	Paramount Petroleum Corp.	\$172.96	\$199.99
	Western Emulsions, Inc.	\$134.50	\$171.09
	Koch Asphalt Solutions Southwest	\$147.00	\$173.00
	Ergon Asphalt Products, Inc.	\$125.05	\$160.63

Awarded to Ergon Asphalt Products, Inc. upon motion of Supervisor, seconded by Supervisor and unanimously approved subject to staff review for conformity.

There being no further business to come before the Board at this time and upon motion of Supervisor John, seconded by Supervisor Palmer, the meeting was adjourned at 9:05 a.m.

Chairman Herrington called the work session to order at 9:50 a.m. Those in attendance in addition to the Board were:

Charles Weaver	Graham County Highway Foreman
Michael Bryce	Graham County Engineer
Terry Cooper	Clerk of the Superior Court


ADEQ compliance was the topic of discussion

The work session adjourned at 11:20 a.m.

GRAHAM COUNTY BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Mark C. Herrington, Chairman

ATTEST:

  
\_\_\_\_\_  
Terry Cooper, Board Clerk

Project No. STP 070 A(1)  
Tracs. No. 070 GH 330 H5028 01C

Project Name: US 70  
Termini: Pima to Thatcher  
Date: 6/06/00

GRAHAM COUNTY ROADWAY IMPROVEMENTS: CENTRAL AREA

Unit Cost Derivation for Minor Street Section Shown:			Used (in)		See Computations Below
			6	2	
	Aggregate Base Thickness				
	Asphalt Concrete Thickness				
	Item Description	Unit	Quantity	Unit Cost	Total
	Grading for Roadway Pavement Aggregate Base, Class 2 Asphalt Concrete(3/4" Mix)	Sq. Yd. Ton Ton	1.00	\$2.50	\$2.50
			0.3150	\$18.00	\$5.67
			0.1094	\$28.00	\$3.06
	Unit cost per SQ. YD. For New Pavement Section			Total	\$11.23

Calculated at 1.89 tons per CY for 1 SY of 6" AB (0.3  
Calculated at 1.97 tons per CY for 1 SY of 2" AC (0.1

ROADWAY

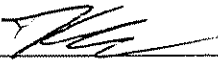
Project Length (Approximate): L..F. 1600.00  
Roadway Width: L..F. 32.00  
Roadway Area: Sq. Yd. 5688.89

Item Description		Unit	Quantity	Unit Cost	Total
	Remove Concrete Lined Ditch (CLD) Roadway Area Pipe Culvert, 24' Concrete Lined Ditch	Lump Sum	1.00	\$600.00	\$600.00
		Sq. Yd.	5688.89	\$11.23	\$63,904.43
		L..F.	80.00	\$40.00	\$3,200.00
		L..F.	600.00	\$15.00	\$9,000.00
					\$0.00
					\$0.00
					\$0.00
	Contingencies				\$3,295.57
TOTAL ALLOWANCE					\$80,000.00

APPROVAL OF THE GRAHAM COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and GRAHAM COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona

DATED this 22<sup>nd</sup> day of April 2002

  
\_\_\_\_\_

County Attorney



JANET NAPOLITANO  
ATTORNEY GENERAL

STATE OF ARIZONA  
OFFICE OF THE ATTORNEY GENERAL  
TRANSPORTATION SECTION  
1275 WEST WASHINGTON STREET, PHOENIX, AZ 85007-2926

TRN Main: (602) 542-1680  
Direct: (602) 542-8855  
Fax: (602) 542-3646  
MAIN PHONE : (602) 542-1680  
FACSIMILE : (602) 542-3646

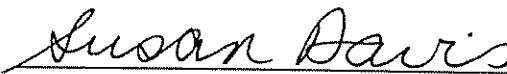
**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR02-0405TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED May 1, 2002.

JANET NAPOLITANO  
Attorney General

  
\_\_\_\_\_  
SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:ggt

Enc.

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